

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

-VS-

D-1 BRETT DAUPHINAIS,

Defendant.

Case: 2:21-cr-20720
Judge: Hood, Denise Page
MJ: Grand, David R.
Filed: 11-30-2021
INDI USA VS DAUPHINAIS (DP)

INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

*(21 U.S.C. §841(a)(1) – Possession with the Intent to Distribute a
Controlled Substance (Fentanyl))*

On or about November 16, 2021 in the Eastern District of
Michigan, defendant BRETT DAUPHINAIS, did knowingly possess
with the intent to distribute a controlled substance, all in violation of
Title 21, United States Code, Section 841(a)(1).

Pursuant to Title 21, United States Code, §841(b)(1)(C), it is
further alleged that this violation involved a mixture or substance
containing 50 grams or more of a mixture and substance containing a
detectable amount N-phenyl-N-[1-(2-phenylethyl) propanimede,

commonly known as fentanyl, a Schedule II controlled substance.

COUNT TWO

(21 U.S.C. §841(a)(1) – Possession with the Intent to Distribute a Controlled Substance (Marijuana))

On or about November 16, 2021 in the Eastern District of Michigan, defendant BRETT DAUPHINAIS, did knowingly possess with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

Pursuant to Title 21, United States Code, §841(b)(1)(C), it is further alleged that this violation involved the controlled substance marijuana, a Schedule I controlled substance.

COUNT THREE

(21 U.S.C. § 843(a)(6) – Unlawful Possession of a Tableting Machine to Manufacture a Controlled Substance)

On or about November 16, 2021 in the Eastern District of Michigan, the defendant, BRETT DAUPHINAIS did possess a tableting machine, specifically: a Model TDP 5 Tableting Machine sold by LFA MACHINES DFW LLC (LFA), Fort Worth, Texas, which may be used in the manufacture of a controlled substance, knowing, intending or having

reasonable cause to believe that it would be used in the manufacture of a controlled substance, all in violation of Title 21, United States Code, §843(a)(6).

COUNT FOUR

(18 U.S.C. § 924(c) – Possession of a Firearm in Furtherance of a Controlled Substance Distribution Offense)

On or about November 16, 2021, in the Eastern District of Michigan, the defendant, BRETT DAUPHINAIS, in furtherance of a drug distribution offense, that is: Possession with Intent to Distribute a Controlled Substance, as charged in Counts 1 and 2 of this Indictment, did possess firearms, specifically, two imitation Glock 9 mm handguns, with no serial number, also known as “ghost guns”, all in violation of Title 18, United States Code, § 924(c).

COUNT FIVE

(21 U.S.C. § 856 – Maintaining a Drug Controlled Premises)

On or about November 16, 2021, in the Eastern District of Michigan, the defendant, BRETT DAUPHINAIS, did knowingly and openly use and maintain a premises, that is 370 W. Cambourne, Ferndale, MI, did use or maintain a place for the purpose of

manufacturing and distributing a controlled substance, all in violation of Title 21, United States Code, § 856.

FORFEITURE ALLEGATIONS

(21 U.S.C. § 853, 18 U.S.C. § 924(d) and 28 U.S.C. § 2461)

The allegations contained in this Indictment are incorporated by reference herein to allege forfeiture pursuant to the provisions of Title 21, United States Code, § 853, Title 18, United States Code, § 924(d), and Title 28, United States Code, § 2461(c).

Title 21 Offense. Upon conviction of a Title 21 offense charged in this Indictment, the defendant shall forfeit to the United States: (a) any property constituting, or derived from, any proceeds which the Defendant obtained, directly or indirectly, as the result of such violation, and (b) any property which the Defendant used or intended to be used in any manner or part to commit or to facilitate the commission of such violation, and/or any property involved in such violation, including but not limited to:

- **One (1) tableting machine - Model TDP 5, sold by and shipped from LFA MACHINES DFW LLC (LFA), Fort Worth, Texas, 76111**

- **One metal die designed to produce a round shaped tablet/pill.**

seized from the defendant on November 16, 2021.

Title 18 Offenses. Upon conviction of offenses under Title 18, United States Code, §922 and/or §924(c) as charged in this Indictment, the defendant shall forfeit to the United States any firearm and ammunition involved in or used in any knowing violation of § 922, including, but not limited to, the following:

- **Two imitation Glock 9 mm handguns, no serial numbers;**
- **9 mm ammunition**

Substitute Assets. Pursuant to Title 21, United States Code, §853(p), as incorporated by Title 18, United States Code, §982(b), the defendant shall forfeit substitute property, up to the value of the property described above, if, by any act or omission of the defendant, the property described above cannot be located upon the exercise of due diligence; has been transferred, sold to or deposited with a third party; has been placed beyond the jurisdiction of the court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty.

Money Judgment. The United States will seek judgment for a sum of money in United States currency in an amount up to the value of the property subject to forfeiture, as described above, resulting from the defendant's violations of Title 21 as alleged in this Second Superseding Indictment.

THIS IS A TRUE BILL

/s/ Grand Jury Foreperson
GRAND JURY FOREPERSON

SAIMA S. MOHSIN
Acting United States Attorney

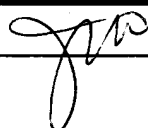
/s/ Julie A. Beck
Julie A. Beck
Chief, Drug Task Force Unit

/s/ John N. O'Brien II
John N. O'Brien II
Assistant United States Attorney

Date: November 30, 2021

United States District Court Eastern District of Michigan	Criminal Case Cover Sheet	Case Number
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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

Companion Case Information	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) ¹ :	Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: 

Case Title: USA v. Brett Dauphinais

County where offense occurred : Wayne

Check One: ☒ ^{AB} Felony ☐ Misdemeanor ☐ Petty

☒ Indictment/ ☐ Information --- no prior complaint.
☐ Indictment/ ☐ Information --- based upon prior complaint [Case number:]
☐ Indictment/ ☐ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

Superseding Case Information

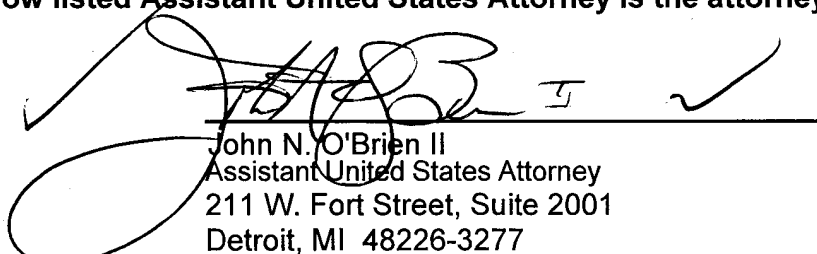
Superseding to Case No: _____ Judge: _____

- ☐ Corrects errors; no additional charges or defendants.
☐ Involves, for plea purposes, different charges or adds counts.
☐ Embraces same subject matter but adds the additional defendants or charges below:

<u>Defendant name</u>	<u>Charges</u>	<u>Prior Complaint (if applicable)</u>
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Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

November 30, 2021
Date


 John N. O'Brien II
 Assistant United States Attorney
 211 W. Fort Street, Suite 2001
 Detroit, MI 48226-3277
 Phone: 313-226-9715
 E-Mail address: John.O'Brien@usdoj.gov
 Attorney Bar #: P39912

¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.